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Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns

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Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns

Summary

President Jean-Bertrand Aristide first assumed office in February 1991, following elections that were widely heralded as the first free and fair elections in Haiti's then-186-year history. He was overthrown by a military coup in September 1991. For over three years, the military regime resisted international demands that Aristide be restored to office. U.S. policy under the Administrations of Presidents George H. W. Bush and William J. Clinton consisted of pressuring the de facto Haitian military regime to restore constitutional democracy. Measures included cutting off aid to the government; imposing trade embargoes; supporting OAS and U.N. diplomatic efforts, and ultimately, a military intervention to remove the regime.

On September 18, 1994, when it learned that a U.S. military intervention had been launched, the military regime agreed to Aristide's return, the immediate, unopposed entry of U.S. troops, and the resignation of the military leadership. President Aristide returned to Haiti on October 15, 1994, under the protection of some 20,000 U.S. troops. Following his return, Aristide, with U.S. assistance, disbanded the army and began to train a professional, civilian Haitian National Police force. Elections held under Aristide and his successor, Rene Preval (1996-2000), including the one in which Aristide was reelected in 2000, were marred by alleged irregularities, low voter turnout, and opposition boycotts. Efforts to resolve the electoral dispute frustrated the international community for years. The OAS tried to mediate negotiations between the Aristide government and the civic opposition, and set up a mission in Haiti. Tension and violence in Haiti continued throughout Aristide's second term, culminating in his departure from office on February 29, 2004, after the opposition had repeatedly refused to negotiate a political solution and armed groups had taken control of over half the country.

Since February 2004, Haiti faced a series of crises. An interim government was established with Gerard LaTortue as Prime Minister. Some Members have called for investigations into Aristide's claim that he is still the democratically elected president and that the United States forced him from office, a charge the Bush Administration denies. Natural disasters have contributed to Haiti's ongoing instability. The U.N. Stabilization Mission in Haiti has improved security conditions, but Haiti, the poorest nation in the Western Hemisphere, remains unstable. Some observers are concerned that conditions will not be conducive to elections, scheduled for fall 2005.

Congressional concerns relating to Haiti include support for fostering stability and democratic development, the cost and effectiveness of U.S. assistance, protection of human rights and improvement of security conditions, combating narcotics trafficking, addressing Haitian migration, and alleviating poverty. Current law related to Haiti includes P.L. 109-13, P.L. 108-25, P.L. 108-324, and P.L. 108-447. Legislation related to Haiti includes H.R. 257, H.R. 611, H.R. 899, H.R. 945, H.R. 946, H.R. 1213/S. 704, H.R. 1409, H.R. 1737, H.R. 2592, S. 350, S. 453, S. 600. This report will be updated periodically. See also CRS Report RL32733, *Latin America and the Caribbean: Issues for the U.S. Congress*.

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Haiti: Developments and U.S. Policy Since 1991 and Current Congressional Concerns

Developments and U.S. Policy Since 1991¹

Most Recent Developments

To encourage the international community to make Haiti a higher priority, the entire 15-member U.N. Security Council traveled to Haiti April 13-16, 2005. Calling “dramatic” poverty “the prime cause of instability in Haiti,” the delegation emphasized the need for a long-term development strategy. The delegation said it planned to extend the U.N. Stabilization Mission in Haiti (MINUSTAH)’s mandate when it expires in June and would consider contributing more foreign police. It also said that holding elections was the most pressing challenge for Haiti and the international community.²

The Bush Administration notified Congress that it supports adding another 800 military personnel and 275 civilian police to MINUSTAH, as recommended by the U.N. Secretary General.³ The current ceiling is 6,700 troops and 1,622 police. The State Department also supports the U.N.’s recommendation that MINUSTAH be restructured to enhance its ability to implement a disarmament program and provide security for the fall elections. The Administration estimated that expansion of the U.N. mission would cost the U.S. an additional \$16-18 million in FY2006.

In April 2005, the State Department notified Congress that it wanted to permit U.S. companies to sell the interim Haitian government \$1.9 million worth of arms, including 3,000 .38-caliber pistols, for the Haitian National Police (HNP). The United States has had an arms embargo in place against Haiti since military forces ousted President Aristide in 1991. The policy allows exceptions to be considered on a case-by-case basis, however. Haiti remains on the International Trafficking in Arms Regulations list, which prohibits licenses for exports of defense articles to certain countries. The President may remove a country from the list by issuing new regulations and notifying Congress, though this has not been done regarding Haiti.

¹ Sources for historical background include CRS Report 95-602, *Haiti: Efforts to Restore President Aristide, 1991-1994*; and CRS Report 93-931, *Haiti: Background to the 1991 Overthrow of President Aristide*, both by Maureen Taft-Morales.

² Ibid, and “Haiti Security Improved, but International Assistance Remains Vital for Social, Political Progress, Security Council Told.” U.N. Security Council Press Release SC/8363, April 20, 2005.

³ Letter from Matthew Reynolds, Acting Asst. Sec., Legislative Affairs, Dept. Of State, to Richard Lugar, Chairman, Senate Committee on Foreign Relations, May 31, 2005.

The Administration and Congress are currently concluding negotiations to address congressional concerns in the letter of notification that will allow the current arms sales licensing to proceed. According to State Department officials, it will contain provisions for the continued monitoring of the weapons, to address concerns about human rights abuses by the HNP. The Administration also said it had transferred excess U.S. law enforcement weapons to the HNP in August 2004. Some 2,600 handguns and 21 long guns were transported to Haiti. As of April 2005, 400 weapons had been issued to a police academy graduating class, 1400 were to be distributed to upcoming recruit classes and to HNP field units, and the rest remained in U.S. control.

Aristide's First Term in Office

Jean-Bertrand Aristide was first elected President in December 1990, in elections that were widely heralded as the first free and fair elections in Haiti's then-186-year history. A Roman Catholic priest of the radical left, Aristide's fiery sermons contributed to the collapse of the Duvalier dictatorship. The most controversial of 11 presidential candidates, Aristide won a landslide victory with 67.5% of the vote. His inauguration took place in February 1991, on the fifth anniversary of Jean-Claude Duvalier's flight into exile.

President Aristide was faced with some of the most serious and persistent social, economic, and political problems in the Western Hemisphere. After eight months in office, Aristide had received mixed reviews. He was credited with curbing crime in the capital, reducing the number of employees in bloated state enterprises, and taking actions to bring the military under civilian control. But some observers questioned his government's commitment to democracy. Opposition leaders and others criticized him for not establishing a cooperative relationship among the democratic elements, failing to consult the legislature in appointments as required by the Constitution, and for manipulating the judicial system in the prosecution of Duvalierists. His record in the area of respect for human rights was also mixed. He was criticized for appearing to condone mob violence, but was also credited with significantly reducing human rights violations while he was in office.

Some observers believed that during his eight-month tenure, Aristide contributed to political polarization within Haiti by refusing to condemn violent acts of retribution, and holding out the threat of mob violence against those who disagreed with him. On September 30, 1991, days after a speech in which some contend Aristide threatened the bourgeoisie for not having helped his government enough, Aristide was overthrown by the military. Some maintained that the bourgeoisie financially supported the coup leaders.

Most human rights monitors credit Aristide's first administration with being the first Haitian government to address the need to improve respect for human rights, and the needs of the poor majority. They also asserted that progress made during his term was undone by the military regime that followed. Most sources credit Aristide with creating a much greater sense of security in Haiti during his first term than there had been in years. According to the State Department human rights reports for 1991 and 1992, there were no reports of disappearances during Aristide's eight-month term and dozens in the months following the coup. The State Department estimated coup-

related deaths at 300-500 at the time, while Amnesty International estimated them to number over 1,500.

Restoration of Aristide to Office

The leaders of the military coup faced stronger international sanctions than did previous coup leaders in Haiti, mainly because a democratic government had been overthrown. For over three years, the military regime resisted international demands that Aristide be restored to office. U.S. policy consisted of pressuring the de facto Haitian government to restore constitutional democracy to Haiti. Under the Administration of President George H. W. Bush, measures included cutting off assistance to the Haitian government; imposing trade embargoes, as called for by the Organization of American States and the United Nations; and supporting OAS and U.N. diplomatic efforts. While some observers believed that the Administration of President William J. Clinton intensified pressure on the Haitian regime and helped advance negotiations to restore democracy to Haiti, others felt it did not apply enough pressure. After the collapse of the Governors Island Accord, which called for the military regime's resignation and Aristide's return by October 30, 1993,⁴ critics increased pressure on the Clinton Administration to change its policy. The Administration then took a tougher stance toward the military regime, imposing ever-stiffer sanctions, and ultimately ordering a military intervention to remove it.

On September 18, 1994, when it learned that a U.S. military intervention had been launched, the military regime signed an agreement with the United States providing for Aristide's return. It also called for the immediate, unopposed entry of U.S. troops, a legislative amnesty for the military, and the resignation of the military leadership. President Aristide returned to Haiti on October 15, 1994, under the protection of some 20,000 U.S. troops. On March 31, 1995, having declared that a "secure and stable environment" had been established, the United States transferred responsibility for the mission to the United Nations.⁵

⁴ "The Situation of Democracy and Human Rights in Haiti, Report of the Secretary-General," U.N. General Assembly Security Council, A/47/975, S/26063, July 12, 1993.

⁵ "Remarks by President William Clinton...at U.N. Transition Ceremony," The White House, Office of the Press Secretary (Port-au-Prince, Haiti), Mar. 31, 1995.

Completion of Aristide's First Term, and the Preval Administration

Following his return, President Aristide took steps to break with the pattern in which a military-dominated police force was associated with human rights abuses. Haiti, with U.S. assistance, demobilized the old military, established an interim police force of selected ex-military personnel, and began to train a professional, civilian Haitian National Police force. The level of reported violence, flight of refugees, and alleged assassinations dropped markedly from very high levels during the de facto military regime.

Also in 1995, President Aristide took steps to hold democratic elections, with substantial assistance from the United States and the international community. Most first-round parliamentary and municipal elections were held in June 1995. Although the deadly violence which had marred past Haitian elections did not occur, election observers alleged that there were numerous irregularities. Several re-run or runoff elections were held from July to October. Pro-Aristide candidates won a large share of the seats. Presidential elections were held December 17, 1995. The Haitian constitution prevented Aristide from running for a second consecutive term. Rene Preval, an Aristide supporter, won, with 89% of votes cast, but with a low voter turnout of only 28%, and with many parties boycotting the election.

Preval assumed office in February 1996. He launched a program to privatize government enterprise through joint ventures with private capital. Despite public protests against the economic reforms, the Haitian Senate passed privatization and administrative reform laws, allowing the release of millions of dollars in foreign aid through the International Monetary Fund. Protests against the associated austerity measures continued, however. One of the most vocal critics of the proposed economic austerity program was former President Aristide. In January 1997 he formed a new party, Lavalas Family, as a vehicle for his presidential bid in the year 2000.

The 2000 Haitian Elections

The Haitian parliamentary elections in 2000 were an attempt to resolve disputed elections from 1997, which had triggered an electoral crisis at the time. Saying that the 1997 elections were marred by fraud, Preval's Prime Minister resigned. Haiti was then without a prime minister for a year and a half, with four failed attempts to name a new one, and no resolution to the 1997 elections controversy. In January 1999, President Preval declared that most of Parliament's term had expired, although elections had not been held to replace them. He then installed members of his Cabinet and an electoral council by decree. He continued to rule by decree through the end of his term in February 2001. In July 1999, President Rene Preval signed a new electoral law that effectively annulled the disputed April 1997 elections and provided for new elections.

The United States allotted \$16 million over two fiscal years for elections assistance for the 2000 Haitian vote. The aid supported the provisional electoral council, whose tasks included the registration of almost 4 million eligible voters,

issuing voter identification cards for the first time, and organizing legislative and municipal elections for some 10,000 posts in May 2000. Every elected position in the country was on the ballot except for president and eight Senate seats.

Many observers hoped these elections would mean that, after two years of a deadlocked government and more than a year of President Preval ruling by decree, a new parliament could be installed and international aid released. Instead, the elections brought Haiti into another crisis. Both domestic and international observers noted irregularities in the tabulation of election results for some Senate seats. Nonetheless, the electoral council affirmed those results, which favored former President Aristide's Lavalas party. In September 2000, thousands of protesters shouting anti-Aristide and anti-Lavalas slogans called for the resignation of the Lavalas-controlled legislature. The OAS tried to broker an agreement between Lavalas and the opposition, to no avail.

Presidential elections were held on November 26, 2000. Because the Haitian government refused to address the earlier contested election results, the United States and other international donors withheld election assistance and refused to send observers, and opposition parties boycotted them. Although Aristide won the election with a reported 91.5% of the vote, turnout was very low, with estimates ranging from 5% to 20% of eligible voters participating.

Aristide's Second Term in Office

As President-elect, Aristide wrote a letter to outgoing U.S. President Clinton, promising to make several political, judicial, and economic reforms, including correcting the problems of the May 2000 elections. According to the White House at the time, no new promises were made by the United States.⁶ The Administration of George W. Bush, which took office on January 20, 2001, accepted the reforms set forth in the letter as necessary steps for the Aristide government to make. Aristide took office again on February 7, 2001. At his inauguration, the United States was represented by its ambassador.

During President Aristide's second term, increases in political violence renewed concerns over security and police effectiveness. In 2001, President Aristide announced a "zero tolerance" policy toward suspected criminals. According to various human rights reports, this announcement was followed by numerous extrajudicial killings by the Haitian National Police and lynchings by mobs. The government's respect for freedom of the press continued to deteriorate. According to the State Department's February 2004 Human Rights Practices Report, "The [Haitian] government's human rights record remained poor, with political and civil officials implicated in serious abuses."

⁶ Statement by the Press Secretary, The White House, Dec. 28, 2000.

OAS/CARICOM Efforts to Resolve Haitian Conflict

Efforts to resolve the electoral dispute frustrated the international community for years. At the third Summit of the Americas in April 2001, hemispheric leaders singled out Haiti as a country whose democratic practices were in trouble and asked the OAS to try again to help negotiate a solution to the crisis. The OAS had been mediating on-again off-again talks between the Aristide government and the opposition alliance Democratic Convergence. In OAS-mediated talks in July 2001, the Aristide government and the opposition agreed to hold new elections for local and most parliamentary seats, but could not agree on a schedule.

Tensions and violence in Haiti increased dramatically after Aristide assumed his second term in office. Supporters of both President Aristide's Lavalas Family party and the opposition coalition Convergence reportedly engaged in the cycle of violent revenge. In January 2002, the OAS Permanent Council passed Resolution 806 establishing an OAS Mission in Haiti and calling for the Haitian government to do all it could to ensure a climate of security and confidence necessary to hold free and fair elections. In July 2002, the OAS released a report stating that a December 2001 attack on the National Palace was not an attempted coup, as the Aristide Administration had claimed, and that "[T]he political opposition did not participate in the planning or in the execution of the attack." It also said that the government and Lavalas party officials gave arms to militants who plundered and burned the homes and offices of opposition members after the palace attack.⁷

Also in July 2002, the opposition proposed that presidential elections be re-held as well. All the OAS member states recognized Aristide as Haiti's legitimate head of state, however, and the OAS Secretary General said that the November 2000 elections "have never been the subject of an OAS or Summit of the Americas mandate," meaning that only the disputed May 2000 parliamentary elections were within the OAS mandate to negotiate a solution.⁸

In September 2002, the OAS passed Resolution 822 that tried to break the political impasse by recognizing the government's "constitutional electoral prerogatives." In other words, it removed the obstacle of having to complete negotiations with the opposition before elections could be held. A consensus resolution, negotiated by member states and voted for by Haiti, stated that legislative and local elections were to be held in 2003, on a date to be set by a new Provisional Electoral Council (CEP). An "autonomous, independent, credible and neutral CEP" was to be established by November 4, 2002. Haiti failed to meet that deadline, in part because the Democratic Convergence refused to name a representative for the council until the government dealt with security issues and made all reparations to opposition forces for damage done by government supporters in December 2001. Aristide named a partial CEP in February 2003. In June 2003, the OAS passed Resolution 1959, regretting that neither the government nor the opposition had fully

⁷ "Report of the Commission of Inquiry into the Events of December 17, 2001, in Haiti," OEA/Ser.G CP/INF.4702/02, July 1, 2002, part III.

⁸ "Report of the Secretary General in Response to CP/INF.4724/02," OEA/Ser.G CP/doc.3643/02 corr.1, Aug. 27, 2002, part I.

implemented their obligations under the previous two resolutions, and urging the government to create a safe environment for elections and the opposition to help actively form a CEP. Those steps were not taken, and elections did not take place in 2003.

In November 2003, the new U.S. Ambassador to Haiti, James Foley, described the current state of Haiti as “very worrisome from all points of view: poverty, insecurity, economic development, infrastructure, environment, health, etc.,” and said that it was essential that Haiti resolve its political impasse so that Haiti and its international donors “can work together to resolve all of these fundamental problems.” A U.N.-appointed human rights expert said in November that the human rights situation there had “again deteriorated,” criticizing the ongoing impunity of human rights violators; the “persistent dysfunctions in the administration of justice,” and the frequently violent suppression of freedom of expression and especially of peaceful demonstrations. Saying he was “very disturbed” at the rising political violence there, U.S. Secretary of State Colin Powell backed a proposal by the Roman Catholic Bishops Conference of Haiti to set up a council of advisors to help Aristide govern until new parliamentary elections were held. Aristide supported the initiative, but the opposition, which accused Aristide of corruption and mismanagement, rejected it. In January 2004, the CARICOM secured Aristide’s agreement to disarm political gangs, appoint a new prime minister, and form an advisory council. Opposition groups refused to negotiate a settlement or participate in elections unless Aristide resigned. Two-thirds of Haitian legislators’ terms expired in January 2004 without elections having been held to replace them. President Aristide began ruling by decree.

The conflict escalated when armed rebels seized Haiti’s fourth largest city, Gonaives, on February 5, and the armed rebellion spread to other cities. Street battles ensued when police forces tried to regain control, leaving dozens dead. CARICOM continued trying to negotiate a solution to the crisis. Civil opposition groups operating mainly in the capital denied any links to the armed rebellions. After being criticized by some for statements appearing to indicate it might support the elected President’s removal, Administration officials said the remarks were not intended to signal support for Aristide’s resignation, and that the Bush Administration sought a peaceful solution to the crisis. Secretary of State Colin Powell and other foreign diplomats suggested the possibility of bringing in outside police forces, but only to support the enforcement of a political agreement reached by the Haitian government and the opposition, such as the one proposed by CARICOM. The opposition rejected the agreement.

Aristide’s Departure

With rebel forces moving toward the capital of Port-au-Prince on February 28, 2004, the Bush Administration increased pressure on Aristide to resign, stating that “His failure to adhere to democratic principles has contributed to the deep polarization and violent unrest that we are witnessing in Haiti today.” Aristide resigned the next day and flew into exile. He has since said he was kidnaped, a charge the White House denies. Following succession protocol outlined in the Haitian constitution, Supreme Court Chief Justice Boniface Alexandre was sworn in as President on February 29. The United Nations unanimously passed a resolution

authorizing an international force, initially comprising U.S. Marines, and French and Canadian police and military forces, to help restore order.⁹ That force was replaced by U.N. peacekeepers three months later, in June 2004. A tripartite commission, based on an element of the CARICOM proposal, was formed to help run an interim government. CARICOM said it was not prepared to hold discussions with Haiti's new leaders, however, and called for an investigation into Aristide's "relinquishing of the Presidency" by an independent international body such as the United Nations.

During a demonstration on March 7, 2004, in which protesters called for the exiled Aristide to stand trial for alleged corruption and human rights violations, six people were reportedly killed by suspected Aristide loyalists. U.S. Marines killed at least six Haitians who they said were trying to attack them. Speaking from exile in the capital of the Central African Republic on March 8, Aristide asserted, "I am the elected president," and appealed for "peaceful resistance" by his supporters to what he called the "occupation" of Haiti.¹⁰ After Jamaica allowed Aristide to travel there for a ten-week visit, Haiti's acting prime minister withdrew its ambassador from Kingston, saying Aristide was "disturbing Haiti's fragile order" by visiting the island only 125 miles away. The Jamaican government said Aristide agreed to their condition that he not use his visit to launch a campaign to be reinstated as president.¹¹ Aristide went into exile in South Africa on May 31, 2004.

The Interim Government

Following succession protocol outlined in the Haitian constitution, Supreme Court Chief Justice Boniface Alexandre was sworn in as President on February 29, 2004. A tripartite commission, based on an element of the CARICOM proposal, helped establish an interim government headed by Prime Minister Gerard LaTortue. The Commission was composed of one representative each of Aristide's Lavalas Family party, the civil opposition, and the international community. LaTortue's cabinet consists of technocrats without strong party affiliations and does not include either Lavalas or the Democratic Convergence. The new minister of Interior and National Security is Herard Abraham, former head of the Haitian army during Aristide's first term, in 1991. Abraham retired about three months before the 1991 coup took place.

Showing his support for the interim government in Haiti, Secretary of State Colin Powell visited Haiti on April 5, announcing several U.S. initiatives. These included the immediate deployment of a seven-member team to advise the interim government on security issues; a three-year employment generation program to improve municipal infrastructure and provide tens of thousands of jobs; and a team to assess the technical assistance needed by the Haitian Finance Ministry and to assist Haitian authorities "in the recovery of assets that may have been illicitly diverted." The U.S. will provide an additional \$9 million to the Organization of American

⁹ S/RES/1529 (2003), Feb. 29, 2004.

¹⁰ Paisley Dodds, Ian James, "U.S. Marines Say They Killed Haiti Gunman," *AP*, Mar. 8, 2004.

¹¹ "Haiti Decries Aristide 'Meddling'," *BBC News*, Mar. 16, 2004.

States (OAS) Special Mission for Strengthening Democracy in Haiti, for elections and democracy building activities; and \$500,000 for a variety of elections-related activities such as public education programs, public opinion polling, and training for political parties to develop candidates. Powell also said that humanitarian development programs would be expanded “to ensure that the medical and nutritional needs of Haiti’s most disadvantaged people are met.”¹² Relations between the U.S. and other Caribbean governments remain strained as Caribbean Community (CARICOM) nations continue to withhold recognition of the LaTortue government and maintain that Aristide is still Haiti’s legitimate elected leader.¹³

On July 20, international donors pledged more than \$1 billion over the next two years to help Haiti rebuild its infrastructure, strengthen institutions, and improve basic services. The United States committed to provide \$230 million for FY2004-FY2005. The interim government signed an agreement with the U.N. and the OAS on August 23 to hold presidential, parliamentary, and local elections in 2005, with a new president to take office on February 7, 2006. The U.N. established a trust fund for the elections, started with \$9 million in U.S. funds, which they hope will reach \$41 million. Members of former President Aristide’s Fanmi Lavalas party have threatened to boycott the elections and claim to face political persecution by the interim government.

Many observers express concern over the actions of former members of the Haitian military since Aristide’s departure. Many former military personnel have demanded reinstatement of the Haitian army, which was disbanded by President Aristide in 1995 following a period of multiple military coups and gross violations of human rights carried out under military rule. The U.S. government and human rights organizations have objected to armed rebels being given any formal role in Haitian security forces.

The interim government increased concerns in April when Prime Minister LaTortue called the rebels “freedom fighters,” and Haiti’s top police official in the northern region met with former paramilitary leader Louis Jodel Chamblain and Guy Philippe to negotiate roles for their fighters in the police force.¹⁴ Chamberlain had been convicted in absentia for killing a Justice Minister and chief financier of former President Aristide; Guy Philippe was accused of leading a coup attempt against former President Preval. In June, LaTortue assured U.S. officials that former soldiers would be subject to the same criteria and human rights vetting procedures as other applicants for joining the Haitian National Police. Nonetheless, some observers remain concerned, noting that government discussions of disarmament have focused more on former Aristide supporters than on armed rebels and former members of the army. In addition, the government presided over a rushed re-trial of Chamblain, in

¹² U.S. Dept. of State, Office of the Spokesman, “U.S. Support for Haiti,” Fact Sheet, Apr. 5, 2004.

¹³ Carol J. Williams, “Former Ruling Party Seeks to Keep Itself Afloat in Post-Aristide Haiti...,” *Los Angeles Times*, Apr. 7, 2004.

¹⁴ “Haiti: Formal Role for Rebels Negotiated,” *Latin American Weekly Report*, Apr. 6, 2004.

which he was acquitted of the 1993 political assassination he had been convicted of in absentia.

The U.N. Stabilization Mission in Haiti

The U.N. Stabilization Mission in Haiti (MINUSTAH) assumed authority on June 1, 2004, although few of the U.N. troops had arrived by then. The MINUSTAH mandate includes helping to ensure a secure and stable environment, fostering democratic governance, and supporting the promotion and protection of human rights. The Brazilian commander of MINUSTAH has said that without a full complement of troops it is difficult to maintain law and order. The mission has authorization for a force of about 8,000, made up of 6,700 military troops and 1,622 civilian police. As of May 15, 2005, forces were still below that level, with 6,435 peacekeeping troops and 1,413 civilian police from 41 countries in country. According to the State Department, the United States had a total of four U.S. military advisers and 25 civilian police participating in the U.N. mission. Furthermore, the mandate was established in April 2004, prior to flooding and hurricanes that left thousands of Haitians dead and thousands more homeless. MINUSTAH provided assistance in the provision of emergency assistance following the natural disasters, stretching its resources even thinner. MINUSTAH has been urging international donors to accelerate the disbursement of \$1 billion in aid pledged for 2004-2006 to support their efforts.

Both the Haitian government and MINUSTAH have complained that the other is not doing enough to establish security in Haiti. Nonetheless, in October 2004 Haitian police officers and U.N. soldiers made a joint show of force to try to quell a spate of violence, arresting suspected militants and searching for weapons. Security has improved in recent months, but the situation is expected to remain volatile, especially in the months leading up to elections.

Following a trip to Haiti in April 2005, the U.N. Security Council said it planned to extend MINUSTAH's mandate when it expires in June. It noted that the mission had improved security conditions in the preceding months but could do more in areas such as police reform. The Security Council also urged the interim government to implement "without delay" the mission's proposed disarmament, demobilization, and reintegration program. The U.N. Secretary General has recommended that the mission also be expanded and restructured to increase MINUSTAH's ability to deter violence and provide security for the upcoming elections.

Current Congressional Concerns

The main issue for U.S.-Haiti policy during the 109th Congress will likely be how to foster stability and development in Haiti. Remarking on the nexus between development, security, and human rights, the chairman of a U.N. Advisory Group on Haiti recommended addressing poverty reduction, demobilization and reintegration, political reconciliation, and judicial and security sector reform.¹⁵ Some policymakers argue that security is the top priority and are debating how best to support the existing U.N. Mission, or whether to expand the U.N.'s role, with some observers urging some sort of long-term international intervention. As political disarray and human rights violations continue, some observers are expressing concern that conditions will not be conducive to safe elections. Others argue that establishing a legitimate government through fair, credible elections is the first step toward stability.

Support of Democracy

Many in Congress have been concerned that Haiti renew its transition to democracy, in particular that it hold democratic elections in accordance with Haiti's 1987 constitution. In recent congressional hearings, the Bush Administration reiterated that U.S. policy in Haiti is to support democracy and the strengthening of democratic institutions. Assistant Secretary of State for Western Hemisphere Affairs Roger Noriega defended the Administration's decision not to send in troops while Aristide was still in Haiti. He said that although Aristide voiced support for the CARICOM agreement, he continued to foment violence through his armed supporters, and that the Administration decided supporting his continued rule was not a sustainable policy and not worth risking U.S. lives for.¹⁶

At the same hearings, several Members of Congress harshly criticized the Administration, however, for its role in Aristide's departure from Haiti, saying that the Bush Administration refused to provide any assistance to stop the escalating violence in Haiti until Aristide resigned. Some voiced concern that the Administration's actions set a dangerous precedent, that the ouster of a democratically elected government by violent thugs would be tolerated if the government was no longer popular or favored by the current U.S. administration. Some Members have called for independent investigations into what they refer to as the coup d'état that removed Aristide from office, and the role of the U.S. in his departure. Some observers are also concerned about the effect Aristide's claim, and his call for his supporters to resist the international "occupation," will have on efforts to restore order and stability in Haiti, and on the safety of U.S. troops in Haiti.

¹⁵ "Holding Free, Fair, Inclusive Elections in 2005 Most Pressing, Visible Challenge for Haiti, Security Council Told." U.N. Security Council 5178th Meeting (AM). Press Release SC/8384, May 13, 2005.

¹⁶ Hearings before the House Committee on International Relations, Subcommittee on the Western Hemisphere, March 3, 2004, and before the Senate Foreign Relations Committee, Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs, Mar. 10, 2004.

The formation of a legitimate transitional government through a constitutional process was made difficult by Aristide's claim that he remains Haiti's democratically elected president, and by the lack of a legally-constituted legislature to authorize a transitional government. When the office of the President becomes vacant, the Haitian constitution calls for the President of the Haitian Supreme Court to head an interim government. Accordingly, Boniface Alexandre was named interim President, although there was no functioning legislature to confirm his appointment, as called for in the constitution. The constitution also calls for the election of a new President to be held between 45 and 90 days after the vacancy occurs. In April 2004, the interim government reached an agreement with opposition political groups to hold elections in 2005, with a new president to take office on February 7, 2006.

A tripartite commission, consisting of one representative each from Aristide's Lavalas party, the civil opposition, and the international community, was formed to help oversee the transition process. Creation of a tripartite commission, also known as the "Council of Elders," was part of a CARICOM proposal that was agreed to by then-President Aristide, but rejected by the civil opposition. CARICOM is still withholding recognition of the interim government. Some observers questioned the validity of the tripartite commission as a legitimate part of an interim government.

Concerns have also been raised about the civil opposition as represented by the Democratic Platform in Haiti. Some observers question the right of the civil opposition to participate in an interim government, given their rejection of political solutions that did not involve Aristide's resignation, including the one proposed by CARICOM and supported by the United States. Others wonder to what extent the opposition had a unified agenda beyond the removal of Aristide from office. Some have asked what, if any, relationship the opposition had with the armed rebels who took over much of Haiti prior to Aristide's departure. Both the opposition and the Bush Administration state that there was no relationship between the armed and unarmed opposition at the time.

On July 20, 2004, international donors pledged more than \$1 billion over the next two years to help Haiti rebuild its infrastructure, strengthen institutions, and improve basic services. The interim government signed an agreement with the U.N. and the OAS on August 23 to hold elections in fall 2005. The U.N. established a trust fund for the elections, started with \$9 million in U.S. funds, which they hope will reach \$41 million. Members of former President Aristide's Fanmi Lavalas party have threatened to boycott the elections and claim to face political persecution by the interim government. Several were arrested in October; reportedly the charges have not been made public. Local elections are scheduled for October 9, and presidential and legislative elections for November 13, 2005, with runoff elections on December 18. Observers voice concern that holding elections will be extremely difficult as long as the unrest continues.

U.S. Assistance to Haiti

From FY1996 to FY1999, the Clinton Administration provided approximately \$100 million annually in foreign assistance to Haiti, plus about \$868 million in Department of Defense costs for peacekeeping and security operations related to embargo enforcement and the international intervention. Beginning in 2000, in

response to the unresolved elections dispute, the Clinton Administration redirected U.S. humanitarian assistance through non-governmental organizations, rather than through the Haitian government. The Bush Administration has continued this policy. Aid began to decrease at the end of the Clinton Administration, and continued to do so for the first two years of the Bush Administration, with \$79 million in FY2000, \$73 million in FY2001, and \$56 million in FY2002. The original request for FY2003 was \$47 million; the Administration later increased aid to \$72 million. The Bush Administration launched an initiative in 2003 to prevent the transmission of the HIV/AIDS virus from mothers to children; Haiti was one of 14 countries included in the program. According to the U.S. Agency for International Development (USAID), between four and six thousand Haitian children are born with the virus each year.

Before the current unrest, Haiti was going to receive an estimated \$55 million in U.S. foreign aid in FY2004. An additional \$0.54 million in humanitarian assistance was made available when the Bush Administration declared Haiti a disaster on February 18, 2004, and more costs were incurred with the U.S. military forces in Haiti. The initial request for FY2005, made before U.S. forces were sent to Haiti, was for \$54 million.

Congress has monitored aid to Haiti closely, and has established a number of conditions on this assistance over the years. The FY2000 foreign aid act (P.L. 106-113) outlined congressional priorities for assistance to Haiti, including “aggressive action to support the Haitian National Police;” ensuring that elections are free and fair; developing indigenous human rights monitoring capacity; facilitating more privatization of state-owned enterprises; a sustainable agricultural development program; and establishing an economic development fund to encourage U.S. investment in Haiti. The act also required the president to regularly report to Congress on the Haitian government’s progress in areas of concern to Congress.

The Foreign Operations Appropriations Act for FY2001 (P.L. 106-429) shifted conditions, prohibiting aid to the Haitian government until Haiti held free and fair elections to seat a new parliament and was fully cooperating with U.S. efforts to interdict illicit drug traffic through Haiti. The only condition in FY2002 foreign aid appropriations law (P.L. 107-115) required notification to Congress prior to provision of any aid to Haiti. The FY2003 foreign assistance appropriations act (P.L. 108-7) provided for “not less than \$52.5 million” in food assistance program funds to be allocated to Haiti (Sec. 551), but contained no other conditions on aid to Haiti.

The FY2004 foreign aid appropriations (P.L. 108-199, Division D) continued to allow Haiti to purchase defense articles and services for the Haitian Coast Guard, prohibited the use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti, allocated \$5 million to the OAS Special Mission in Haiti and \$19 million in Refugee and Entrant Assistance funds to communities with large concentrations of Haitian (and Cuban) refugees of varying ages for healthcare and education.

The FY2005 consolidated appropriations act (P.L. 108-447, Conference Report H.Rept. 108-792) contains several provisions regarding Haiti. The act (1) makes International Military Education and Training funds and Foreign Military Financing available only through regular notification procedures; (2) appropriates \$20 million

for child survival and health programs, \$25 million for development assistance, including agriculture, environment, and basic education programs; \$40 million in ESF for judicial reform, police training, and national elections; “sufficient funds” for the OAS to help Haiti hold elections in 2005, and \$2 million to Zanmi Lasante for maternal and child health activities; (3) allows Haiti to purchase defense articles and services for its Coast Guard; (4) notes disappointment on the Haitian government’s role in the trial and acquittal of Louis Jodel Chamblain, and the deteriorating security human rights situation; (5) requires a report within 90 days on a multi-year assistance strategy; (6) and encourages the Administration to help Haitian and NGO officials to devise a reforestation strategy and to provide a report on that strategy within 180 days. The conference report was agreed to in both houses on November 20 and signed into law December 8, 2004. The earlier Senate version had made several findings regarding improving security in Haiti, concluding that “the failure to establish a secure and stable environment and to conduct credible and inclusive elections will likely result in Haiti’s complete transition from a failed state to a criminal state.”

The 108th Congress considered but did not pass a trade preferences bill for Haiti. The Senate passed the Haiti Economic Recovery Opportunity (HERO) Act of 2004 (S. 2261) in July, which would have given Haiti additional preferential trade treatment if it made certain democratic and economic reforms. Current benefits under the Caribbean Basin Trade Partnership Act allow duty-free access for apparel made in the region from U.S. components.¹⁷ The House Ways and Means Trade subcommittee held a hearing on the issue September 22, 2004. Supporters of trade preferences for Haiti are reportedly developing a compromise bill for reconsideration by both houses this session.¹⁸ (For further information, see CRS Report RS21839, *Haitian Textile Industry: Impact of Proposed Trade Assistance*, by Bernard Gelb.)

In July 2004, the Bush Administration announced an additional \$120 million in assistance to Haiti, for a total of about \$230 million for FY2004-FY2005. According to USAID, the aid will be distributed as follows: \$22 million for job creation; \$45 million for government infrastructure support; \$26 million for improved security through improved administration of justice; \$122 million for humanitarian aid, including health care, nutrition, and education; and \$15 million for elections support. A portion of an additional \$100 million appropriated by Congress in supplemental disaster assistance for the Caribbean region (P.L. 108-324) will go to Haiti as well. The emergency supplemental appropriations act for FY2005 (P.L. 109-13) provides that \$20 million in Economic Support Funds “should” be made available to Haiti, \$2.5 million of which should be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti.

¹⁷ “Trade Subcommittee Considers Additional Textile Benefits for Haiti,” *World Trade Online*, Sept. 24, 2004. Also, “Crane expresses Hope House Will Approve Haitian Textile Benefits Before Adjourning,” *International Trade Reporter*, Sept. 30, 2004, p.1607.

¹⁸ “DeWine, Thomas work on Haiti Textile Bill despite NCTO Opposition,” *Inside US Trade*, May 20, 2005.

Table 1. U.S. Assistance to Haiti, FY1990-FY2005

(obligations of dollars in millions)

Fiscal Year	Devel. Aid/Child Survival & Health	Economic Support Fund	Food Aid Grants (P.L. 480, Title II)	Peace Corps	Foreign Military Financing	Intl. Military Ed & Train (IMET)	Totals
1990	40.2	\$1.5	16.0	0.7	0.0	0.1	58.5
1991	38.5	12.3	29.1	1.0	0.0	0.3	81.2
1992	26.6	4.5	19.6	0.3	0.0	0.0	51.0
1993	23.3	24.0	41.3	0.1	0.0	0.0	88.7
1994	26.0	36.7	42.7	0.0	0.0	0.0	105.4
1995	56.6	56.0	44.0	0.0	3.0	0.0	159.6
1996	14.1	45.3	39.2	0.5	0.0	0.2	99.3
1997	24.4	53.5	22.5	0.9	0.0	0.3	101.6
1998	0.9	65.1	34.9	1.1	0.0	0.3	102.3
1999	0.0	65.1	27.0	1.4	0.3	0.2	94.0
2000 ^a	0.0	52.5	25.1	1.4	0.0	0.3	80.0
2001	0.0	46.9	25.1	1.3	0.0	0.3	73.6
2002	0.9	30.0	23.1	1.5	0.3	0.0	55.9
2003	33.2	0.0	36.6	1.7	0.4	0.1	71.9
2004 ^b est.	27.8	0.0	24.7	1.6	0.3	0.2	54.6
2005 req.	24.5	0.0	27.0	2.1	0.3	0.2	54.1
2004-2005 ^c							\$120.0
Total	337.0	493.4	477.9	15.6	4.6	2.5	\$1,451.7

Source: U.S. Agency for International Development (USAID).

a. FY2000: additional USAID operating expenses totaling \$174.6 million provided in Hurricane Supplemental.

b. An additional \$537,000 in humanitarian assistance, through the office of U.S. Foreign Disaster Assistance, was made available for Haiti on February 18, 2004.

c. On July 20, 2004, the Bush Administration announced additional funds for Haiti as follows: \$22m: job creation; \$45 m: infrastructure support; \$26 m: administration of justice; \$122 m: humanitarian aid; \$15 m: elections support.

Table 2. DOD Incremental Costs of U.S. International Peace and Security Commitments, FY1992-FY1996

(Budget authority in millions of current year dollars)

Operation	FY1992	FY1993	FY1994	FY1995	FY1996	Totals
Safe Harbor	9.3	—	—	—	—	9.3
Embargo/Interdiction/ Sanctions Enforcement	—	2.8	65.8	—	—	68.6
Uphold Democracy	—	—	198.2	448.8	—	647.0
UNMIH	—	—	—	56.5	86.9	143.4
Total Haiti	9.3	2.8	264.0	505.3	86.9	868.3

Source: Under Secretary of Defense (Comptroller)

Notes: This chart consists of the DOD incremental costs involved in U.S. support for and participation in peacekeeping and in related humanitarian and security operations, including U.S. unilateral operations, NATO operations, U.N. operations, and ad hoc coalition operations. Incremental costs are amounts spent on operations over that which would have been normally spent on regular salaries, and on routine training, equipment repairs and replacements. Opinion as to which of them constitute “peacekeeping” or “peace operations” differ. U.N. reimbursements are not deducted. Totals may not add due to rounding. The Haiti accounts do not include the DOD processing of Haitian migrants, which totaled \$108.1 million in FY1994 and \$63.7 million in FY1995.

For further information on the U.S. military intervention in Haiti, see CRS Report RL30184, *Military Interventions by U.S. Forces from Vietnam to Bosnia: Background, Outcomes, and “Lessons Learned” for Kosovo*, by Nina M. Serafino, who prepared Table 2.

Protection of Human Rights, and Security Conditions

Congress has been concerned with the protection of human rights and with security conditions within Haiti. During his first term, in 1995, President Aristide took steps to break with the pattern in which a military-dominated police force was associated with human rights abuses. Haiti, with U.S. assistance, demobilized the old military, established an interim police force of selected ex-military personnel, and began to train a professional, civilian Haitian National Police force. The level of reported violence, flight of refugees, and alleged assassinations dropped markedly from very high levels during the de facto military regime. Following the return to civilian rule in 1994, Haiti made progress in the protection of human rights, but the gains made were fragile and threatened by political tensions and problems with impunity.

During President Aristide’s second term, increases in political violence renewed concerns over security and police effectiveness. In 2001, President Aristide announced a “zero tolerance” policy toward suspected criminals. According to various human rights reports, this announcement was followed by numerous extrajudicial killings by the Haitian National Police and lynchings by mobs. The government’s respect for freedom of the press continued to deteriorate. According to the State Department’s February 2004 Human Rights Practices Report, “The

[Haitian] government's human rights record remained poor, with political and civil officials implicated in serious abuses."

After armed rebellions led to the departure of President Jean-Bertrand Aristide in February 2004, an interim government took over, but security conditions remain tenuous. The destruction of prisons and subsequent escape of prisoners in the turmoil of early 2004 and the government's granting of amnesty to convicted criminals in January 2005 further added to instability. Gangs linked to both former army and pro-Aristide forces remain heavily armed. The Haitian National Police are considered understaffed and under equipped to maintain order.

The U.N. Stabilization Mission in Haiti (MINUSTAH) has also been understaffed, as member governments were slow to send the 6,700 troops and 1,622 civilian police that were authorized; it still did not have all of its promised forces as of May 5, 2005. Only four U.S. troops are stationed in Haiti as part of that international mission. Without a full complement of troops, the Brazilian commander of MINUSTAH says it is difficult to maintain law and order. MINUSTAH's ability to carry out its mandate to establish law and order is further hampered by the diversion of its resources to help protect and deliver emergency assistance following natural disasters that left thousands dead or homeless. Three U.N. peacekeepers have been killed.

Saying that U.N. peacekeepers had failed to maintain security, Prime Minister reportedly asked the Bush Administration in late 2004 to send U.S. troops to Haiti. The Department of Defense did not send troops, but about 250 U.S. military personnel are participating in a civic assistance program to help train U.S. military units in construction and medical care services as a show of support for Latortue's government.¹⁹

New concerns over human rights violations were presented by the leaders of the armed rebellion that contributed to Aristide's resignation. Both Louis Jodel Chamblain and Guy Philippe were members of the Haitian military. Chamblain is the alleged leader of death squads responsible for a bloodbath that halted elections in 1987 and for killing thousands of civilians after the 1991 military coup against former President Aristide. The Bush Administration expressed "deep concern" about the rule of law in Haiti following the acquittal in a rapidly held retrial of Chamblain and former police official Jackson Joanis in August 2004 for their roles in the 1993 murder of businessman and Aristide supporter Antoine Izmerly. Chamblain had been convicted in absentia. The State Department called on the interim Haitian government "to ensure that trials involving accusations of gross human rights violations and other such crimes be conducted in a credible manner."²⁰

Philippe, who was also a police commissioner in Cap Haitien, fled into exile after being accused of involvement in a coup attempt against President Preval in

¹⁹ Pablo Bachelet, "U.S. Giving Haiti Aid Through Military but no Troops for U.N. Security Force," *Miami Herald*, Nov. 5, 2004.

²⁰ U.S. Dept. of State, "U.S. Deeply Concerned About Rule of Law in Haiti," statement by Adam Ereli, Deputy Spokesman, Aug. 17, 2004.

2000. Philippe says he wants to reconstitute the Haitian army and declared himself its head in March 2004. Both men appear to have a high degree of popular support that might hamper the international community's ability to persuade them to disarm. The Haitian army, which had a long history of human rights abuses, was disbanded in 1995. Former soldiers have staged protests demanding the restoration of the army and 10 years of back pay.

While some Aristide supporters have allegedly committed human rights violations, others are reported to face persecution. Some of Aristide's more militant supporters have beheaded police officers and threatened to do the same to civilian officials if Aristide is not restored to office (*New York Times*, October 7, 2004). Several Lavalas party officials have been arrested; they denied inciting the violence and blamed the government for not stopping the violence. Both the State Department and Amnesty International report human rights abuses against Aristide supporters under the interim government. Former Prime Minister Yvon Neptune has been held without charge for 11 months and is reportedly near death after being on a hunger strike. Neptune is accused of organizing a massacre of opposition supporters in 2004. He demands that he be released; CARICOM and others are calling for the release of Neptune and others who have been held without charge. While some groups agree that people should not be held without charge, they are urging the government to press formal charges and provide for a fair trial. Press reports indicate that Neptune was taken before a judge to hear charges on May 25, 2005 (*Associated Press*, May 25, 2005).

Narcotics Trafficking

Haiti is a major transshipment point for illegal narcotics, mostly cocaine, being transported from South America to the United States, according to the State Department's March 2003 International Narcotics Control Strategy Report. Several factors make Haiti attractive to narcotics traffickers. Located between South America and the United States, its coasts and border with the Dominican Republic are largely uncontrolled. Haiti's nascent democratic institutions and ineffectual infrastructure have been further weakened by the political impasse that has characterized the country since 1997. Haiti's current legal system is antiquated. Haitian authorities charged with controlling drug trafficking are inexperienced, lack sufficient resources, and, because of Haiti's extreme poverty, are considered highly susceptible to corruption. According to the State Department's March 2004 report, "Serious allegations persisted that high-level government and police officials are involved in drug trafficking." There are numerous allegations that former President Aristide was involved in drug trafficking.

In 2001, 2002, and 2003, the Bush Administration said Haiti was not certified as having fully cooperated, or had "failed demonstrably" to comply with U.S. drug-control efforts. All three years President Bush determined, however, that it was in the national interest to continue providing aid to Haiti despite its counter narcotics performance, and granted a waiver so that aid to Haiti could continue. According to the Bush Administration, the Haitian government took several important actions in 2002 and 2003, including putting into force a bilateral maritime narcotics interdiction agreement with the United States, establishing a financial intelligence unit, and extraditing four well-known traffickers to the United States. It also said, however,

that “Haitian drug trafficking organizations continue to operate with relative impunity.” The Administration has said that “Haitian poverty and hopelessness” were chief catalysts in Haitian involvement in the drug trade and in illegal migration to the United States. Cutting off aid to Haiti, including programs aimed at attacking those catalysts, “would aggravate an already bad situation.”

In September 2004, President Bush found that the interim government “has taken substantive — if limited — counternarcotics actions....” The Administration added, however, that it remained “deeply concerned” about the Haitian government’s ability to carry out sustained counternarcotics efforts.²¹

Haitian Migration

The main elements of current immigration policy regarding Haitians are migrant interdiction on the high seas and mandatory detentions of undocumented, interdicted Haitians. Since 1981, it has been U.S. policy to have the U.S. Coast Guard stop and search Haitian vessels on the high sea that are suspected of transporting undocumented Haitians. Some of the congressional debate over the years has focused on whether interdicted Haitians are economic migrants, and should therefore be returned to Haiti, or whether they are refugees with a well-founded fear of persecution who should be allowed to stay in the United States while applying for political asylum. Some Members and human rights advocates express concern that Haitians are not given the same treatment as other aliens seeking asylum in the United States. President Bush has said that Haitian “refugees” interdicted at sea will be returned to Haiti.²²

Attorney General John Ashcroft issued a ruling in April 2003 that unauthorized Haitian migrants can be detained indefinitely in response to national security concerns.²³ The Administration said the ruling was needed to discourage mass migration from Haiti and to prevent the U.S. Coast Guard and other Department of Homeland Security agencies from being diverted from more important border security priorities. The Attorney General further warns that terrorists may pose as Haitian asylum seekers, a charge disputed by immigrant advocates and some U.S. consular officials. So far there have been no significant population movements, but the United Nations High Commissioner for Refugees has worked with Caribbean states to set up contingency plans in the event of a mass exodus from Haiti.

Following the natural disasters of fall 2004, which killed almost 2,000 people and left over 200,000 homeless, the Haitian government formally requested Temporary Protected Status (TPS) for Haitians in October. That status would halt the deportation back to Haiti of thousands of undocumented Haitians living in the United States. Immigration advocates cited the precedent of Central Americans being granted TPS following Hurricane Mitch in 1998. A bill (H.R. 2592) that

²¹ “U.S. Releases Annual Narcotics Certification Report,” USInfo.State.Gov, Sept. 16, 2004.

²² “President Bush Welcomes Georgian President Saakashvili to White House,” The White House, Office of the Press Secretary, 2/25/04.

²³ 23 I & N Dec.572 (A.G. 2003).

would make Haitians eligible for TPS was introduced in Congress May 24. The Department of Homeland Security says it has not made a recommendation at this time, but is continuing to monitor events in Haiti. (For more information see CRS Report RS21349, *U.S. Immigration Policy on Haitian Migrants*, and CRS Report RS20844, *Temporary Protected Status: Current Immigration Policy and Issues*, by Ruth Ellen Wasem.)

Humanitarian Crisis

Since February 2004, Haiti has been faced with a series of crises, including a civil conflict and the impact of a flood disaster and tropical storm. Each disaster has been made worse in its cumulative effect on a nation that remains the poorest in the Western Hemisphere. The ongoing humanitarian crisis in Haiti and the conditions, particularly in Gonaïves, are of great concern. The U.S. has responded to each of the situations with relief and recovery assistance. U.N. figures suggest that the flooding in May (primarily near the southern border between Haiti and the Dominican Republic) resulted in tens of thousands being displaced, 1,059 deaths, and several hundred injured. Approximately 1,600 people were missing and presumed dead. Thousands of homes were damaged or destroyed along with crop and livestock losses. Hurricane Jeanne inflicted even more damage. Some 3,006 people were killed, with more than 2,800 from Gonaïves. Flooding devastated communities, and the storm affected more than 300,000 people.

With an ongoing lack of security, assessments of the humanitarian situation remain fluid. Lack of road security, looting, and poor road conditions have at times impeded the delivery of aid. With the assistance of MINUSTAH, the conditions have seen improvement.

According to USAID, in FY2004, the U.S. government provided about \$180 million to Haiti for the civil conflict, flood, and hurricane relief, with approximately \$40 million for humanitarian assistance. Congress approved \$100 million in emergency assistance for Caribbean countries affected by the recent natural disasters, including Haiti. The aid was incorporated into the FY2005 Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act (P.L. 108-324). Some Members criticized the level of aid as too small considering the amount of damage wrought by the storms.

International humanitarian actors responding to the crisis included U.N. agencies, international organizations, non-governmental organizations, and bilateral and multilateral donors. Both the United Nations and International Federation of the Red Cross launched emergency appeals.

(Rhoda Margesson contributed to this section. For background information, see her CRS Report RS21751, *Humanitarian Crisis in Haiti: 2004*, and CRS Report RL32160, *Caribbean Region: Issues in U.S. Relations*, by Mark P. Sullivan.)

Legislation in the 109th Congress

P.L. 109-13 (H.R. 1268). Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005. Makes \$20 million in Economic Support Funds available for Haiti, of which \$2.5 million should be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law. Introduced March 11, 2005 (H.Rept. 109-72), signed into law May 11, 2005.

H.R. 257 (Jackson-Lee). To amend the Immigration and Nationality Act to reunify families, permit earned access to permanent resident status, provide protection against unfair immigration-related employment practices, reform the diversity visa program, provide adjustment of status for Haitians and Liberian nationals, and for other purposes. Introduced January 6, 2005, referred to House Committee on the Judiciary's Subcommittee on Immigration, Border Security, and Claims March 2.

H.R. 611 (Foley). To authorize the establishment of a program to provide economic and infrastructure reconstruction assistance to the Republic of Haiti, and for other purposes. Introduced and referred to the House Committee on International Relations Feb. 8, 2005.

H.R. 899 (Cardin). To amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide a two-year extension of supplemental security income in fiscal years 2006 through 2008 for refugees, asylees, and certain other humanitarian immigrants. Introduced Feb. 17, 2005, referred to House Ways and Means Committee's subcommittee on Human Resources March 3.

H.R. 945 (Lee). To provide assistance to combat infectious diseases in Haiti and to establish a comprehensive health infrastructure in Haiti, and for other purposes. Introduced, referred to House Committee on International Relations Feb. 17, 2005.

H.R. 946 (Lee). To establish the Independent Commission on the 2004 Coup d'Etat in the Republic of Haiti. Introduced, referred to House Committee on International Relations Feb. 17, 2005.

H.R. 1130 (Waters). To provide for the cancellation of debts owed to international financial institutions by poor countries, and for other purposes. Introduced March 3, 2005, referred to House Financial Services Committee's subcommittee on Domestic and International Monetary Policy, Trade, and Technology March 28.

H.R. 1213 (Hyde)/S. 704 (Martinez). To authorize appropriations for FY2006 for voluntary contributions on a grant basis to the Organization of American States (OAS) to establish a Center for Caribbean Basin Trade and to establish a skills-based training program for Caribbean Basin countries. H.R. 1213 introduced, referred to

House Committee on International Relations March 10; Senate version introduced, referred to Committee on Foreign Relations April 5, 2005.

H.R. 1409 (Lee). To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes. Introduced, referred to House Committee on International Relations March 17, 2005.

H.R. 1737 (Meek). To amend the Haitian Refugee Immigration Fairness Act of 1998 to benefit individuals who were children when such Act was enacted. Introduced April 20, 2005, referred to House Judiciary Committee's subcommittee on Immigration, Border Security, and Claims May 10.

H.R. 2592 (Hastings). To designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section. Introduced, referred to House Committee on Judiciary May 24, 2005.

S. 350 (Lugar). To amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes. Introduced, referred to Committee on Foreign Relations Feb. 10, 2005.

S. 453 (Smith). To amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for an extension of eligibility for supplemental security income through FY2008 for refugees, asylees, and certain other humanitarian immigrants, applies to some Haitian (and Cuban) entrants. Introduced, referred to Committee on Finance Feb. 17, 2005.

S. 600 (Lugar). To authorize appropriations for the Department of State and international broadcasting activities, the Peace Corps, and foreign assistance programs for fiscal years 2006 and 2007, and for other purposes. Would allow Haiti to purchase defense articles for the Haitian Coast Guard, would make "not less than" \$163 million in assistance available to Haiti for FY2006. Makes the finding that "The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach" by the U.S. government is needed, and would require not later than 60 days after enactment a report describing U.S. policy toward Haiti with specific elements detailed. Introduced March 10, 2005, referred to Foreign Relations Committee. (S.Rept. 109-35), Senate floor actions April 26, returned to the Calendar. Calendar No. 48.

Legislation in the 108th Congress

The following list includes legislation that was approved and become public law during the 108th Congress. For the status of other legislation at the end of the 108th, see the CRS online guide, *Haiti: Legislation in the 108th Congress*, [<http://www.crs.gov/products/browse/officialsources/haitileg.shtml>], by Andy Mendelson.

P.L. 108-7 (H.J.Res. 2). Consolidated Appropriations for FY2003. The Commerce, Justice and State appropriations bill makes available, in the “Federal Prison” section, an amount “not to exceed” \$20 million of contract confinement funds for the care and security in the U.S. of Haitian (and Cuban) entrants. Under the Foreign Operations appropriations (Division E), Sec. 551 a) allows the Haitian government to purchase defense articles and services for the Coast Guard. Sec. 551 b) provides that “not less than” \$52.5 million of funds appropriated by Title II and to carry out AID food aid programs should be allocated for Haiti. Signed into law February 20, 2003.

P.L. 108-25 (H.R. 1298/S. 1009). The U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. Haiti is among 13 countries (Guyana and 12 African countries) that the legislation expressly benefits, with an HIV/AIDS Coordinator in charge of approving all U.S. activities (funding included) aimed at combating AIDS in these countries (Sec. 102 (a)). Appropriates \$3 billion per year through FY2008 for bilateral and multilateral efforts to combat HIV/AIDS, tuberculosis and malaria. Signed into law May 27, 2003.

P.L. 108-199 (H.R. 2673). Foreign Operations Appropriations Act for FY2004 (H.R. 2800/S. 1426), incorporated into consolidated appropriations act. The Commerce, Justice and State appropriations act makes available until expended, in the “Federal Prison System” section, an amount “not to exceed” \$20 million of confinement funds for the care and security in the U.S. of Haitian (and Cuban) entrants. Under the Foreign Operations appropriations (Division D), Sec. 551 allows the Haitian government to purchase defense articles and services for the Coast Guard. Sec. 567(b) makes \$34 million available for family planning, maternal, and reproductive health activities in 12 countries, including Haiti. Sec. 616 prohibits the use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti, including exemption and reporting requirements. Allocates \$5 million to the OAS Special Mission in Haiti. Allocates \$19 million in Refugee and Entrant Assistance funds to communities with large concentrations of Haitian (and Cuban) refugees of varying ages whose cultural differences make assimilation especially difficult, justifying a more intense level and longer duration of federal assistance for health care and education. Conference agreement for omnibus vehicle approved by House December 8, 2003, and by Senate January 22, 2004. Signed into law January 23, 2004.

P.L. 108-324 (H.R. 4837). The FY2005 Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act includes \$100 million in emergency assistance for Caribbean countries affected by the recent natural disasters, including Haiti. According to the supplemental budget requests from the Bush Administration that the bill fulfills, the aid will support the temporary provision

of electricity; housing rehabilitation and reconstruction; agriculture sector reconstruction; water and sanitation systems reconstruction; and the rehabilitation of rural infrastructure such as roads, schools, and health facilities.

P.L. 108-447 (H.R. 4818). The FY2005 consolidated appropriations act contains several provisions regarding Haiti. The law (1) makes International Military Education and Training funds and Foreign Military Financing available only through regular notification procedures; (2) appropriates \$20 million for child survival and health programs, \$25 million for development assistance, including agriculture, environment, and basic education programs; \$40 million in ESF for judicial reform, police training, and national elections; “sufficient funds” for the OAS to help Haiti hold elections in 2005 and \$2 million to Zanmi Lasante for maternal and child health activities; (3) allows Haiti to purchase defense articles and services for its Coast Guard; (4) notes disappointment on the Haitian government’s role in the trial and acquittal of Louis Jodel Chamblain and the deteriorating security human rights situation; (5) requires a report within 90 days on a multi-year assistance strategy; (6) and encourages the Administration to help Haitian and NGO officials to devise a reforestation strategy and to provide a report on that strategy within 180 days. The conference report was agreed to in both houses on November 20. Signed into law December 8, 2004. The earlier Senate version had made several findings regarding improving security in Haiti, concluding that “the failure to establish a secure and stable environment and to conduct credible and inclusive elections will likely result in Haiti’s complete transition from a failed state to a criminal state.”

S. 2261 (DeWine)/H.R. 4889 (Shaw). Haiti Economic Recovery Opportunity Act of 2004 (HERO Act). Amends the Caribbean Basin Economic Recovery Act to give additional preferential trade treatment to Haiti if the President certifies to Congress that Haiti has fulfilled certain requirements, including that Haiti “has established or is making continual progress toward establishing” a market-based economy that “minimizes government interference in the economy ... ;” the rule of law; elimination of barriers to U.S. trade and investment; economic policies to reduce poverty and achieve other goals; a system to combat corruption; protection of internationally recognized worker rights; and that Haiti does not engage in activities that undermine U.S. national security or foreign policy interests; and does not engage in gross violations of human rights or support acts of international terrorism, and cooperates in international efforts to eliminate them. Introduced March 30, 2004. Senate version passed with an amendment by Unanimous Consent July 16, held at Senate desk. House version introduced, referred to Committee on Ways and Means July 21.